

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 15, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:06 a.m. Mayor Murphy recessed the meeting at 10:43 a.m. to convene the Housing Authority. The regular meeting was reconvened at 10:58 a.m. with all members present. Mayor Murphy recessed the meeting at 10:59 a.m. to reconvene the Housing Authority. The regular meeting was reconvened by Mayor Murphy at 11:11 a.m. with all members present. Mayor Murphy recessed the regular meeting at 11:12 a.m. to reconvene the Housing Authority. The regular meeting was reconvened by Mayor Murphy at 11:21 a.m. with all members present. Mayor Murphy adjourned the regular meeting to meet in Closed Session in the 12th Floor Committee Room at 2:00 p.m. to discuss existing and anticipated litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Maland (mc)

FILE LOCATION: MINUTES



[ITEM-300:](#)

ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding Section 6331 of the Internal Revenue Code, Title 26, pertaining to Income Tax, stating that City employees are exempt from paying income tax.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:19 a.m.)

PUBLIC COMMENT-2:

Comment by Guy Preuss presenting Council Member Young with a petition requesting the completion of the Rio Drive Sidewalk Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:24 a.m.)

PUBLIC COMMENT-3:

Comment by Beth Scalone regarding the Disability Access policy with regard to improving accessibility to our businesses, schools, parks and beaches.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:26 a.m.)

PUBLIC COMMENT-4:

Comment by Marvin Carpenter stating that there is a need to resolve the City planning process because of wrong and misleading information being provided to the Council by the Code Compliance Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

PUBLIC COMMENT-5:

Comment by Ron Boshun regarding the City Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

PUBLIC COMMENT-6:

Comment by Muhammed Abdullah regarding a response he received from the City Manager dated February 7, 2005, with regard to when he was unlawfully detained. Mr. Abdullah also urged Council to listen to the Stanley Hilton interview.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:36 a.m.)

PUBLIC COMMENT-7:

Comment by Kevin Hauck regarding the Billboard Ordinance as it pertains to the advertising of alcohol.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:38 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye distributed to the Mayor and Council her memorandum to the City Manager dated February 15, 2005 outlining the San Diego City Charter, Section 42, regarding Membership Selection to commissions, boards, committees or panels, which states that the appointing authority shall take into consideration geographical area in order to ensure that the boards, commissions, committees and panels reflect the entire community. To ensure compliance with the City Charter, Council Member Frye directed staff to include information for proposed and current appointees that specifies in which District (and neighborhood within each District) each appointee resides.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

COUNCIL COMMENT-2:

Council Member Young thanked the Mayor and his colleagues for their support in the efforts to address the issue of gang violence. Mr. Young stated that former gang members that are now in their thirties and have children of their own, are also working on a cease fire between rival gang members.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

COUNCIL COMMENT-3:

Council Member Atkins announced that this past weekend there were numerous celebrations held in San Diego to celebrate the Vietnamese and the Chinese New Year. She also stated that in support of Council Member Frye on the very difficult De Anza issue, she commended her for being a Council Member who went out to talk to the community and made sure that staff was there to answer questions.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:43 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-330:](#) Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project.

(Clairemont Community Area. District 6.)

(Continued from the meeting of January 31, 2005, Item 109, at the request of Councilmember Frye, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-527) CONTINUED TO TUESDAY, MARCH 15, 2005

Authorizing the City Manager, or designee, to expend an amount not to exceed \$120,000 from Fund No. 41506, CIP-46-206.0, Annual Allocation-Accelerated Projects, for the acquisition, appraisal, title, escrow, city staff labor charges, and

miscellaneous costs of the acquisition of property rights required for the Dakota Canyon Sewer Replacement project, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager, or his designee, to execute, for and on behalf of the City of San Diego, quitclaim deeds, conveying all the City's right, title, and interest in the unneeded easements in those portions of Lot 7, Eureka Lemon Tract, Map 753, filed May 19, 1953; Lots 1 and 2, Bowman's Terrace, Map 3295, filed September 7, 1955; and Lots 17 and 18, Padre Glen, Map 6977, filed July 8, 1977. Execution and recordation of the quitclaim deeds shall only occur following the filing of the Notice of Completion for the Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project, CIP-46-611.0;

Stating for the record that the final Mitigated Negative Declaration, Project No. 7055, has been reviewed and considered prior to approving the project; and that it directs the City Clerk to file a Notice of Determination.

CITY MANAGER SUPPORTING INFORMATION:

The Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project is a part of the City of San Diego's on-going program to rehabilitate, upgrade, and/or relocate sewers that are in canyons. The subject sewer is located in the bottom of a streambed in Dakota Canyon, and due to its location, it is difficult to access for maintenance. Also, due to severe erosion in the streambed, the pipe has been exposed and emergency repairs have been required by City crews to prevent sewage from entering the natural storm drain system. This project will relocate the pipe out of the streambed, and place it in a new alignment higher up the slope, thereby eliminating the hazards caused by the on-going erosion. In addition, it will solve the access problem by providing an 8-foot-wide access path for maintenance purposes, with ingress and egress to come from the Erie Street dedicated right-of-way. Project construction will consist of the installation of approximately 695 linear feet of new 8-inch sewer main, and the rehabilitation of 520 linear feet of existing 8-inch sewer main. Once the new sewer main is put into service, 1,310 linear feet of existing 51-year-old, 8-inch sewer main will be physically abandoned, with all piping, which is currently exposed to be completely removed from the canyon area. The easement rights related to this section of sewer line are to be abandoned and reconveyed by the City to the respective property owners, through the execution and recordation of quitclaim deeds.

This action will allow for the authorization of funds to acquire the easement rights necessary to complete the project, and it will authorize the quitclaiming and abandonment of the easement rights no longer necessary following project completion.

FISCAL IMPACT:

\$120,000 is available in Fund 41506, CIP-46-206.0, Annual Allocation - Accelerated Projects.

Herring/Griffith/SLG

Aud. Cert. 2500574.

FILE LOCATION: DEED F-9883

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:16 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, MARCH 15, TO ALLOW THE OPEN SPACE CANYONS ADVISORY COMMITTEE TO PLACE THIS ISSUE ON THEIR AGENDA AS AN ACTION ITEM AS OPPOSED TO AN INFORMATIONAL ITEM. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-331: Acquisition of 4310 Dawson Street and \$2,372,000 Loan and Leaseback with Housing Development Partners of San Diego to Develop 52nd Street Senior Apartments.

(See San Diego Housing Commission Report HCR-05-03. City Heights (Kensington-Talmadge) within Mid-City Community Area. District 7.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-750) RETURNED TO CITY MANAGER

Approving a Grant of \$1,825,000 (to include \$25,000 in closing cost) of Home Program funds to the San Diego Housing Commission to be used by the San Diego Housing Commission to purchase the property located at 4310 Dawson Street from Larry G. Mabee and Philip A. Ward;

Directing the City Manager to award the \$1,825,000 grant of Home Program funds to the San Diego Housing Commission per the terms and conditions as

outlined in Commission Report HCR-05-03, and to enter into a grant agreement for the award substantially in the form attached as Exhibit A and subject to the review and approval of the City Attorney.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:06 a.m. – 10:12 a.m.;
11:12 a.m. – 11:21 a.m.)



ITEM-332: Two actions related to a Street and Easement Vacation - Carmel Valley Road.

(Carmel Valley Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-666) RETURNED TO CITY MANAGER

Vacating a portion of Carmel Mountain Road.

Subitem-B: (R-2005-668) RETURNED TO CITY MANAGER

Vacating the drainage easement located within the Northeast quarter, Northwest quarter, Southwest quarter, Southeast quarter of Section 29, Township 14 South, Range 3 West.

CITY MANAGER SUPPORTING INFORMATION:

The portion of Carmel Valley Road right-of-way proposed to be vacated are excess side strips originally intended for an additional traffic lane that would be used for a right turn pocket and for a transition in street width. The drainage easement vacation is part of a related revision of a drainage system.

Currently, Carmel Valley Road at this location is 114 feet wide. The street that required the right turn pocket was eliminated from the final design of Carmel Valley Road. Eliminating the need for the additional lane reduces the required street width. In addition, a change in the street design shortens the distance of a transition in width of right-of-way. The extra right-of-way

included in the transition in width is not within the portion of street proposed to be vacated. The design changes have been approved and the street is in construction. A reduced street width of 98 feet is needed after these design changes and will be the street width upon vacation of the excess side strips.

On September 14, 2004, the Carmel Valley Community Planning Board unanimously recommended approval of the street and easement vacation as long as the revised drainage system does not disturb environmentally sensitive areas. The revised storm drain system is in the same area as was originally approved and therefore will not disturb any areas that were previously approved for disturbance. The conditions of approval of the drainage construction require restoration of any sensitive areas to natural vegetation. A new drainage easement will be dedicated in the location of the revised drainage system.

FINDINGS: Staff review has indicated that the right-of-way may be vacated and that the four required findings for vacation can be made.

1. That there is no prospective use for the easement or right-of-way; either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated – The right-of-way side strips are not needed for the street design. The revised drainage system is not located in the present drainage easement.
2. That the public will benefit from the action through improved utilization of land made possible by the street vacation – The property owners can utilize the vacated area. The City of San Diego will no longer be responsible for the maintenance of the excess street width and can use of savings for other street improvements and maintenance.
3. That the vacation or abandonment is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program. – The Carmel Valley Community Planning Board's concerns were addressed in the approved plans for this area.
4. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation – The reduced width of the street design meets the current design requirements. A new drainage easement will be placed over the revised drainage system.

FISCAL IMPACT:

None. All costs are paid by the applicant.

DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION:

Approval of this request.

Loveland/Brought/AKW

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: SUBITEMS A-B: STRT – J-2970 (39)

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:13 a.m.)



[ITEM-333:](#) Two actions related to Multifamily Revenue Bonds for Sycamore Estates Apartments.

(See memorandum from Peter Armstrong dated 01/04/2005 and San Diego Housing Commission Report HCR04-98. District 7.)

(Continued from the meeting of January 25, 2005, Item 338, at the request of the City Attorney, for further review.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-704) ADOPTED AS RESOLUTION R-300140

Approving the issuance of Bonds by the Housing Authority of the City of San Diego for the Sycamore Estates Apartments Project, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Subitem-B: (R-2005-721) ADOPTED AS RESOLUTION R-300141

Stating for the record that the information contained in the final Environmental Impact Report LDR No. 99-1094, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162

would warrant any additional environmental review in connection with approval of the issuance of Bonds for Sycamore Estates Apartments project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NOTE: See the Housing Authority Agenda of February 15, 2005, for a companion item.

FILE LOCATION: SUBITEMS A-B: MEET

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:11 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-S500: Supplemental Multifamily Revenue Bonds for Rancho Del Norte Apartments.

(See San Diego Housing Commission Report HCR-05-04. Black Mountain Ranch Community Area. District 1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-746) ADOPTED AS RESOLUTION R-300142

Approving the issuance of the Bonds by the Authority, as the applicable elected representative under Section 147(f) of the Internal Revenue Code of 1986;

Stating that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the payment of the Bonds.

NOTE: See the Housing Authority Agenda of February 15, 2005, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:58 a.m.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 11:21 a.m. in honor of the memory of:

Craig Little, as requested by Deputy Mayor Zucchet.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:25 a.m.)